

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

Trinity Faire, LLC, an Arizona limited liability company, and Steven and Anne Bever, husband and wife,

Plaintiffs,

vs.

America's Collectibles Network, Inc., dba Jewelry Television, a Tennessee corporation,

Defendant.

Case No. 3:22-cv-00417-CLC-DCP

America's Collectibles Network, Inc., dba Jewelry Television, a Tennessee corporation,

Counterclaim-Plaintiff,

vs.

Trinity Faire, LLC an Arizona limited liability company, and Anne Bever, individually,

Counterclaim-Defendants.

REPORT OF THE PARTIES' PLANNING MEETING

Counsel for the parties held a phone call on January 31, 2023, to discuss the matters set forth in Rule 26(f) of the Federal Rules of Civil Procedure and they hereby file this joint report, pursuant to the Court's Order dated November 22, 2022 (Dkt. 38).

I. Participants

Participating for the Plaintiffs was Andrea Tazioli and Mark Williams. Participating for the Defendant was John Winemiller and Ian McFarland.

II. Settlement

The possibility of settlement is unknown at this time.

III. Initial Disclosures

The parties agreed that initial disclosures required by Rule 26(a)(1) shall be made on or before February 14, 2023.

IV. Anticipated Areas of Discovery

The parties agreed that discovery may be required on all claims and defenses stated in the operative pleadings. In particular, discovery is expected regarding at least the following topics:

- The parties' prior agreements, transactions, and business dealings; and
- The alleged copying of Plaintiffs' jewelry items.

V. Electronically Stored Information

The parties conferred about the discovery of electronically stored information ("ESI"), as required by the Scheduling Order. The parties anticipate that ESI may be discoverable, but do not anticipate that any specific procedures or conditions should be imposed to govern discovery of ESI in this case. A party producing ESI will advise counsel for the opposing party of the form or forms in which the ESI will be produced in accordance with Fed. R. Civ. P. 34. If a receiving party requests an alternative form or forms of productions, the parties will make good faith efforts to agree on appropriate and reasonable forms of production to accommodate the request.

VI. Changes to Discovery Rules

The parties agreed that no changes to the limitations on discovery imposed by the Rules, the Local Rules, or the Scheduling Order are needed at this time.

VII. Privilege

The parties agree that any claims of privilege or protection asserted after production should be governed by Rule 26(b)(5) and that they will cooperate in exchanging logs of asserted privilege or protection during discovery.

VIII. Protective Order

The parties discussed the need for a stipulated protective order addressing the discovery, treatment, and handling of confidential and proprietary information in this case. The parties agreed that such an order would be appropriate and useful, and they will prepare and tender such an agreed protective order for the Court's consideration.

Respectfully submitted this 1st day of February, 2023.

/s/ Kevin T. Elkins (with permission)

Kevin T. Elkins (TN BPR No. 033280)
Epstein Becker & Green, P.C.
1222 Demonbreun St., Suite 1400
Nashville, TN 37203
(615)-564-6060
kelkins@ebglaw.com

/s/ Andrea S. Tazioli

KW LAW, LLP
Mark Williams (admitted *pro hac vice*)
Michael McCanse (admitted *pro hac vice*)
Andrea S. Tazioli (admitted *pro hac vice*)
6122 7th St., Suite D
Phoenix, AZ 85014
602.907.3459
mark@kwlaw.co
mike@kwlaw.co
andrea@kwlaw.co
Attorneys for Plaintiffs

/s/ Ian McFarland (with permission)

MERCHANT & GOULD P.C.
John T. Winemiller (TN No. 021084)
Ian G. McFarland (TN No. 030549)
800 S. Gay Street, Suite 2150
Knoxville, TN 37929
865.380.5960
612.332.9081 (fax)
jwinemiller@merchantgould.com
imcfarland@merchantgould.com

River E. Lord (pending *pro hac vice*
application)
Merchant & Gould P.C.
150 South Fifth Street, Suite 2200
Minneapolis, MN 55402
(612) 332-5300
(612) 332-9081 (facsimile)
RLord@merchantgould.com
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February 2023, the foregoing document was electronically filed on this Court's CM/ECF system, which caused a copy of the same to be served on all counsel of record.

s/ Blake Scheffey